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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23,534A	1510

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EXAMINER

SAJOUS, WESNER

ART UNIT PAPER NUMBER

2676

DATE MAILED: 08/11/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,082

Applicant(s)

CAVALLERANO ET AL.

Examiner

Wesner Sajous

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-11, 13-16, 21, 22, 24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 6, 12, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

REMARKS

This communication is responsive to the response dated May 03, 2004. Claims 1-18, 21-24, and 26-27 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1, 3-5, 8, 10-11, 13-16, 21-22, 24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopresti et al. (US Pat. 5889506).

Considering claim 1, Lopresti discloses a device (20, fig. 1) for receiving a video and/or audio signal (*see col. 3, lines 62-64*) comprising a plurality of different programs (*see col. 9, lines 30-50*) comprises an input (e.g., a video input port) that receives the video and/or audio signal (*see col. 4, lines 5-21*); and a user interface (24/26, *fig. 1*) that receives a user input (e.g., *hand-drawn instructions*) identifying an event (e.g., *a user's criteria or favorite program, see col. 3, lines 1-5*) to be detected (note that in searching programs and locate the user's criteria, [*see col. 3, lines 1-5*], *a particular event is detected*); a detector (or *interpretor incorporated in item 20, i.e., item 72b, see col. 6, lines 8-17* or a processor as suggested in *col. 2, lines 39-44*) that analyzes the incoming video and/or audio signal of at least one program to detect the identified event e.g., *search all available programs to locate those meeting the user's criteria; i.e., search the programs to locate the users inputted criteria of interest or instructions, as implied in col. 2, lines 1-7 and col. 9, lines 10-50*; and automatically, upon detection of the identified event, providing to a display the program containing the event (*see col. 2, lines 1-7, 20-32*). The Examiner suggests clarifying the term "event" and "video signal" in the claim. An event can correspond to any data in any program.

The invention of claim 3 contains features that are analogous to the limitations recited in claim 1. As such, the limitations of the limitations of claim 3 are rejected under the same rationale as claim 1. Particularly, Lopresti discloses a speech-

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recognize device (72b, fig. 5) for interpreting audio event in the program in control device 20. See col. 6, lines 37-41.

Re claim 4, Lopresti discloses a text recognition device (72b) that scans the video information for text, and the user interface (24/26, fig. 1) includes a device, which enables the user to enter as the event to be detected specific text. See col. 3, lines 7-16, and col. 4, lines 56-64.

Considering claim 5, Lopresti discloses a device (20, fig. 1) for receiving a video and/or audio signal (see col. 3, lines 62-64) comprising a plurality of different programs (see col. 9, lines 30-50) comprises an input (e.g., a video input port) that receives the video and/or audio signal (see col. 4, lines 5-21); and a user interface (24/26, fig. 1) that receives a user input (e.g., *hand-drawn instructions*) identifying a shape (e.g., *a symbol*) to be detected (see col. 3, lines 1-5), shape inputs (e.g., symbols or pictures which can have shapes); a detector (or *interpretor incorporated in item 20, i.e., item 72b*, see col. 6, lines 8-17 or a processor as suggested in col. 2, lines 39-44) that analyzes the incoming video and/or audio signal of at least one program to detect the identified shape (e.g., *search all available programs to locate those meeting the user's criteria; i.e., search the programs to locate the users inputted symbols or pictures, as implied in col. 2, lines 5-7*); and automatically, upon detection of the identified shape, providing to a display the program containing the shape (see col. 2, lines 1-7, 20-32).

Method claim 8 recites features substantially the same as device claim 1. It is, therefore, rejected under the same rationale.

Claim 10 is rejected for reason similar to claim 4.

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The invention of claim 11 contains features that are analogous to the limitations recited in claim 5. As such, the limitations of the limitations of claim 3 are rejected under the same rationale as claim 5.

Claim 13 is a computer-executable process included on a computer-readable medium performing the method of claim 8 or 1, it is rejected for the same reason and rationale set forth for claim 8 or claim 1.

The invention of claim 14 recites features equivalent to and performing the same functions as claim 3; claim 14 is, therefore, subject to rejections for the same reasons and rationale set forth for claim 3.

Claim 15 contains features that are analogous to claim 4, it is therefore, similarly rejected.

Claim 16 is a computer-readable medium that performs the method of claim 5; it is, therefore, rejected under the same rationale as claim 5.

The invention of claim 21 contains features that are analogous to the limitations recited in claim 3. This being the case, the limitations of claim 21 are rejected under the same rationale as claim 3, wherein the decoding step serves as the function of processor 72b of fig. 5.

As per claim 22, it is noted that the features recited in the claim are analogous to the limitations recited in claim 1. Claim 22 is therefore, rejected under the same reason and rationale set forth for claim 1.

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The invention of claim 24, including the processor (72b, fig. 5) and memory (86/88, fig. 5) is noted to contain limitations that are analogous to the limitations recited in claim 13, it is rejected under the same rationale as claim 13.

The invention of claim 26 contains features that are analogous to the limitations recited in claim 14 and, it is, therefore, rejected under the same reason and rationale as claim 14.

Apparatus claim 27 recites features that substantially perform the same method as device claim 24; it is, therefore, similarly rejected, for the detected event can be outputted as text (i.e., as teletext data).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

54. Claims 2, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti in view of Nishikawa (US Pat. 6348932).

Re claims 2 and 9, Lopresti discloses most claimed features of the invention as applied to claims 1 and 8 as set forth above, but he fails to teach a PIP device that displays program containing a detected event.

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Nishikawa teaches a PIP device (569, fig. 9) that displays program containing a detected event (e.g., item 580). See col. 12, lines 15-21.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Tovinkere to include the PIP device as taught by Nishikawa, in order to provide a reduced frame size video of a detected event or program, while a main program is displayed.

Allowable Subject Matter

5. Claims 6-7, 12, 17-18, and 23 are allowed because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT coefficient patterns, and a delay step to delay the program having detected text so that display of the program captures the text.

Conclusion

Any response to this action should be mailed to :

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or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Or:

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(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.


7/3/2004



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